

COPY

in 260 N'  
Index #3

Opinion

October 6, 1958

NEW HAMPSHIRE LAW LIBRARY

OCT 01 1998

CONCORD, N.H.

Honorable Harry E. Jackson  
Secretary of State  
State House  
Concord, New Hampshire

Dear Sir:

This is with respect to a petition forwarded to you under date of September 22, 1958 by counsel for Seaboard Finance Company of New Hampshire, Inc., which you have placed before us with a request for advice.

The allegations of the petition set forth, in substance, that on March 26, 1958 the trade name Seacoast Finance Company was approved and recorded in your office without the consent of the petitioner, Seaboard Finance Company of New Hampshire, Inc., having been given for such recording; and that on July 7, 1958, a certificate of incorporation was issued in the name of Seacoast Finance Corporation. Alleging that the corporate purposes of Seacoast Finance Corporation include certain purposes identical with those of the petitioner, the petitioner then avers that the name Seacoast Finance Corporation is so similar to the name Seaboard Finance Company of New Hampshire, Inc., that it is liable to be mistaken for it.

It is the prayer of the petition that you return to this office the certificate of approval of the record of organization of Seacoast Finance Corporation for further consideration and a finding as to whether the name Seacoast Finance Corporation is liable to be mistaken for the name of the petitioner; and if such a finding be made, that the certificate of incorporation issued to Seacoast Finance Corporation be forthwith revoked and rescinded. The petitioner further requests a hearing upon the petition.

We have carefully examined the statutes and find therein no authority in this office or in yours for the granting of the prayers of the petition. It is our opinion that upon the issuing of the certificate

C O P Y

Honorable Harry E. Jackson -- 2.  
October 6, 1958

of incorporation pursuant to RSA 294:16 the powers of our several offices with respect to it and to the steps leading up to it as elements in the granting of a corporate charter are exhausted. If rescission or revocation of such a charter, as prayed, are to be ordered the power to make such an order lies elsewhere than in our several agencies.

In view of the foregoing it does not seem necessary that you should hold a hearing upon the petition as requested by the petitioner.

Very truly yours,

Warren E. Waters  
Deputy Attorney General